

REMARKS

Claims 1-9 and 38-48 are currently pending in the subject application and are presently under consideration. Applicant thanks Examiner Kim for the courtesies extended to Applicant's Representative Jay Ryan in a telephone interview dated Friday, March 2, 2007. Claims 1 and 38 have been amended and claims 2-4, 39-41, 47, and 48 have been cancelled as shown on pp. 2-5 of the Reply. It is respectfully submitted that the amended claims do not include newly-presented subject matter that would require further consideration and/or search. No new matter is presented herewith. Entry and favorable consideration of the subject amendment is therefore respectfully requested.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1-9 Under 35 U.S.C. §101

Claims 1-9 and 38-48 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection should be withdrawn for at least the following reasons. The amended claims are in fact drawn to statutory subject matter.

Claims 1-9 had been rejected as including embodiments that were “software *per se*” and thus intangible. Amended claim 1 recites *a server computer component that implements a web-crawling component that crawls subsets of web pages as a function of the predictive analysis*. Therefore, the claim now relates to tangible embodiments and the rejection should be withdrawn.

Claims 1-9 and 38-46 had been rejected since the claimed “predictive analysis” was deemed as failing to yield a “useful, concrete, and tangible result” for not indicating how the claimed “maximized value” affects the performance of the web crawling. Amended claims 1 and 38 specify that an action is performed that maximizes the value of a mathematical expression based on a selected outcome so as to *maximize the efficiency of crawling in discovering and updating changed web pages*. In this way, a useful, concrete and tangible result is recited in the independent claims, and the rejection should therefore be withdrawn.

In view of at least the foregoing, it is apparent that applicants' claimed invention relates to statutory subject matter that produces a useful, concrete and tangible. In the aforementioned telephone interview, the Examiner indicated that the amended claims would overcome these

grounds of rejection. Accordingly, it is respectfully submitted that this rejection should be withdrawn with respect to independent claims 1 and 38, and claims that depend there from.

II. Rejection of Claims 1-2 and 5-9 Under 35 U.S.C. §102(e)

Claims 1-2 and 5-9 stand rejected under 35 U.S.C. §102(e) as being anticipated by Squillante *et al.* (US 2004/0225644). This rejection should be withdrawn for the following reasons. Squillante *et al.* does not disclose or suggest each and every limitation set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it ***expressly or inherently describes each and every limitation set forth in the patent claim.*** *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The ***identical invention must be shown in as complete detail as is contained in the ... claim.*** *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) (emphasis added).

Applicants' claimed invention relates to a system and method that facilitates web-crawling. In particular, independent claim 1 (and similarly independent claim 38) recites *a decision-theoretic component that determines an appropriate time to crawl the at least one web page and makes predictions regarding changes in at least one web page*. The claimed decision theoretic component makes determinations based on a mathematical expression that considers an action to be performed on the at least one web page, and a selected outcome that maximizes the efficiency of the web-crawling component in discovering and updating changed web pages. Squillante *et al.* does not disclose or suggest these novel aspects of the invention as claimed.

Squillante *et al.* relates to a method and apparatus for crawling web pages. Squillante *et al.* determines optimal frequencies for web crawling, as well as theoretically optimal times to crawl each web page. Both the cited passages and the remainder of this document fail to disclose or suggest a *decision-theoretic component* as recited in the subject independent claims. In the aforementioned telephone interview, the Examiner agreed that the amended claims would place the application in condition for allowance. It is therefore respectfully submitted that the cited document and the claimed invention are distinguishable on at least this ground. For at least the above reasons,

the rejection of independent claims 1 and 38 (and claims that depend there from) should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP557US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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